

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

HARLAN GOLDBERG, H. GOLD LLC, and
JARRET WILLIS,

Civil Action No.:

Plaintiffs,

-against-

BESPOKE REAL ESTATE LLC, BESPOKE LUXURY
MARKETING LLC, BESPOKE REAL ESTATE
FLORIDA LLC, ZACHARY VISHINSKY and CODY
VICHINSKY,

Defendants.

-----X

NOTICE OF REMOVAL

To the Honorable Judges and Clerk of the United States District Court for the Southern District of New York:

PLEASE TAKE NOTICE that Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC, Bespoke Real Estate Florida LLC, Zachary Vichinsky and Cody Vichinsky, by their attorneys Milber Makris Plousadis & Seiden, LLP, hereby remove the case entitled *Goldberg, et al. v. Bespoke Real Estate LLC, et al.*, Supreme Court of the State of New York, County of New York, Index Number 651458/2023, to this Court on the basis of original jurisdiction pursuant to 28 U.S.C. Section 1441.

INTRODUCTION

1. On March 21, 2023, Plaintiffs Harlan Goldberg and H. Gold LLC commenced suit against Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC and Bespoke Real Estate Florida LLC, in the Supreme Court of the State of New York, County of New York, under Index Number 651458/2023. A copy of the original Summons and Complaint is submitted

herewith as Exhibit A.

2. Plaintiffs Harlan Goldberg and H. Gold LLC alleged causes of action for breach of contract, estoppel, quantum meruit, unjust enrichment and violations of New York Labor Law Section 740. See Exhibit A.

3. Plaintiffs Harlan Goldberg and H. Gold LLC at that time did not plead a cause of action that would establish the original jurisdiction of the Federal courts. See Exhibit A.

ORIGINAL JURISDICTION OF THIS COURT CONFERRED
BY AMENDED PLEADING

4. On June 12, 2023, Plaintiffs Harlan Goldberg and H. Gold LLC filed an Amended Summons and Amended Complaint that added Jarret Willis as a party-plaintiff and Zachary Vichinsky and Cody Vichinsky as party-defendants. A copy of the filed Amended Summons and Amended Complaint is submitted herewith as Exhibit B.

5. Plaintiffs asserted six causes of action under 42 U.S.C. Section 1981 in the Amended Complaint. See Exhibit B.

6. Pursuant to 28 U.S.C. Section 1331, this Court has original jurisdiction over Plaintiffs' six causes of action in the Amended Complaint arising under 42 U.S.C. Section 1981.

7. Removal of the action to this Court is proper pursuant to 28 U.S.C. Section 1441(a) because Plaintiffs allege, inter alia, claims under United States laws.

TIMELINESS OF REMOVAL

8. Defendants Bespoke Real Estate LLC and Bespoke Luxury Marketing LLC were served with the original Summons and Complaint through the New York Secretary of State on April 24, 2023. Copies of the affidavits of service of the Summons and Complaint on Bespoke Real Estate LLC and Bespoke Luxury Marketing LLC are submitted herewith as Exhibit C.

9. By stipulation dated May 23, 2023, counsel accepted service of process for Bespoke

Real Estate Florida LLC. A copy of that stipulation is submitted herewith as Exhibit D at ¶ 2.

10. Plaintiffs and Defendants further stipulated that the time for Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC and Bespoke Real Estate Florida LLC to respond to the Complaint was extended to June 14, 2023. See Exhibit D at ¶ 1.

11. Plaintiffs filed their Amended Complaint on June 12, 2023, two days prior to the stipulated time for Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC and Bespoke Real Estate Florida LLC to respond to the Complaint. Compare Exhibit B with Exhibit D.

12. Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC and Bespoke Real Estate Florida LLC were served with the Amended Summons and Amended Complaint on June 13, 2023, by regular mail through counsel. A copy of the affidavit of service on counsel for Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC and Bespoke Real Estate Florida LLC, is submitted herewith as Exhibit E.

13. The filing and service of the Amended Complaint rendered the original Complaint moot and required Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC and Bespoke Real Estate Florida LLC to respond to the Amended Complaint within 20 days. New York Civil Practice Law and Rules R. 3025(d).

14. Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC and Bespoke Real Estate Florida LLC have not responded to the Amended Complaint.

15. Upon information and belief, Defendant Zachary Vichinsky was served the Amended Summons and Amended Complaint through a person of suitable age and discretion in Florida on June 15, 2023. A copy of the affidavit of service on Zachary Vichinsky is submitted herewith as Exhibit F.

16. Defendant Zachary Vichinsky has not responded to the Amended Complaint.

17. Upon information and belief, Defendant Cody Vichinsky was served through a person of suitable age and discretion in New York on June 15, 2023.

18. Defendant Cody Vichinsky has not responded to the Amended Complaint.

19. Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC and Bespoke Real Estate Florida LLC first became authorized by law to remove this case to this Court upon service of Plaintiffs' Amended Complaint on June 13, 2023.

20. Upon service of Plaintiffs' amended complaint on Defendants Zachary Vichinsky and Cody Vichinsky on June 15, 2023, this case became separately removable to this Court by them.

21. Removal is timely pursuant to 28 U.S.C. Section 1446(b)(3) because this Notice has been filed within 30 days of service of the amended pleading that first rendered the case removeable.

22. Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC, Bespoke Real Estate Florida LLC, Zachary Vichinsky and Cody Vichinsky join in and consent to the removal of this case to Federal court.

SUPPLEMENTAL JURISDICTION OF STATE LAW CLAIMS

23. This Court obtains supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C Section 1441(c) and 28 U.S.C. Section 1367(1) because the claims form part of the same case or controversy under Article III of the United States Constitution. See Exhibit B.

JURY DEMAND

24. Plaintiffs purported to demand a jury trial in the state court suit by designating the

demand on the pleadings.

25. Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC, Bespoke Real Estate Florida LLC and Zachary Vichinsky demand a jury trial.

WHEREFORE, Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC, Bespoke Real Estate Florida LLC, Zachary Vichinsky and Cody Vichinsky hereby remove the case entitled *Goldberg, et al. v. Bespoke Real Estate LLC, et al.*, Supreme Court of the State of New York, County of New York, Index Number 651458/2023, to this Court.

Dated: Purchase, New York
June 30, 2023

**MILBER MAKRIS PLOUSADIS &
SEIDEN, LLP**

By: Leonardo D'Alessandro
Leonardo D'Alessandro, Esq. (LD-0648)
Attorneys for Defendants
Bespoke Real Estate LLC, Bespoke Luxury
Marketing LLC, Bespoke Real Estate Florida
LLC, Zachary Vichinsky and Cody Vichinsky
100 Manhattanville Road, Suite 4E20
Purchase, New York 10577
(914) 681-8700

TO: {via NYSCEF and regular mail}

ADAM LEITMAN BAILEY, P.C.
Attorneys for Plaintiffs
One Battery Park Plaza, 18th Floor
New York, New York 10004
(212) 825-0365